

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**MC(Arb.A.)No.8 of 2025**

Ref: Arb. A. No.1 of 2024

State of Manipur, represented by the Chief Secretary/Commissioner (Works), Government of Manipur having office at Old Secretariat Building, Babupara, PO & PS Imphal, Imphal West District, Manipur, PIN; 795001 & **2 Ors.**

***Appellants***

**Vs.**

M/s The Simplex Infrastructures Ltd. through its Director, Simples House, 27, Shakespeaare Sarani, Kolkata-700017.

***Respondent***

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR  
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH  
(ORDER)**

***(Order of the Court was made by Mr. M. Sundar, CJ)***

**17.03.2026**

**[1]** Captioned 'Miscellaneous Case' ('MC' for the sake of convenience) has been taken out by State which is the appellant in the main appeal namely, Arb. A. No.1 of 2024 which is a statutory appeal under Section 37 of 'the Arbitration and Conciliation Act, 1996 (26 of 1996)' ['A & C Act' for the sake of convenience and brevity].

**[2]** In and vide captioned MC, State wants to raise 3(three) additional grounds and they have been set out in paragraph 5 of MC which reads as follows:

*'That accordingly, it has become necessary to raise the following additional grounds at the time of hearing of the Arbitration Appeal:-*

- i) *For that, since the signed copy of the Arbitral Award allegedly sent or furnished by the sole Arbitrator was not received by the State Respondents directly, it has failed to satisfy the mandate under Section 31(5) of the Arbitration and Conciliation Act;*
- ii) *For that, the starting point of limitation for the purposes of Section 34(3) of the Arbitration and Conciliation Act will be from the effective delivery of the signed copy of the Award by the Arbitrator addressed to the State Respondents which in the present case cannot be said to have been done as there is no records of the forwarding letter of the signed copy of the Arbitral Award addressed to any of the Respondents.*
- iii) *For that, the limitation under Section 34(3) of the Arbitration and Conciliation Act cannot start running if there has been no effective delivery of the signed copy of the Award dated 12.01.2023 by the Sole Arbitrator and as such, the application for setting aside of the Arbitral Award could not have been barred under Section 34(3) of the Arbitration and Conciliation Act as filed beyond the limitation period.'*

**[3]** On the side of MC applicant, Mr. M. Devananda, learned senior advocate and Additional Advocate General ('Addl. AG' for the sake of convenience) appearing on behalf of learned State counsel, Ms. Jyotsana is before this Court and Mr. S.D. Singh, learned counsel for respondent (contractor) is also before this Court.

**[4]** Learned Addl. AG submits that the additional grounds sought to be raised turn on section 31(5) of A&C Act, it is pure question of law and therefore,

it is being raised now. In response, Mr. S.D. Singh, learned counsel submitted that it is contrary to the record before section 34 court.

**[5]** Be that as it may, both sides agreed that aforesaid 3(three) grounds can now be considered as grounds raised in the main statutory appeal leaving open all questions on both sides including the afore-referred arguments of learned counsel for respondent that the grounds run contrary to the record of Section 34. Learned Addl. AG agrees to this course.

**[6]** In the light of the fair stand taken by learned counsel on both sides, captioned MC is disposed of by writing that afore-referred 3(three) grounds set out in paragraph 5 of MC thereat will now be treated as ground Nos. XV to XVII in the main appeal albeit leaving open all arguments of both sides including contentions of both sides captured supra without resorting to technicality of recasting amended memorandum of appeal etc. To be noted, in the main appeal vide paragraph 6, already XIV grounds have been raised.

**[7]** Captioned MC disposed of as closed in the aforesaid manner albeit with preservation of rights and contentions of both sides in the manner set out above/supra. There shall be no order as to costs.

**JUDGE**

**CHIEF JUSTICE**

*John Kom*